

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, DECEMBER 19, 2007 – 6:45 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
Ann Jo Jackson, Vice Chair  
John Feener  
William Febiger  
Brandon Frontiero

**MEMBERS ABSENT**

Arthur Socolow  
Charles Anderson

**STAFF PRESENT**

Nancy Ryder, Conservation Agent  
Carol Gray, Recording Clerk

Mr. Robert Gulla Chairman opens the meeting of the Gloucester Conservation Commission.

**12 RIO DRIVE**

Mr. Seecamp, Seecamp Environmental  
Stanley Poole, property owner of the single family home  
Resource Delineation has been done.

The 3<sup>rd</sup> party review was requested by the GCC with Dr. Rosen submitting a report. Mr. Rosen concurred with Mr. Seecamp noting the comments Mr. Rosen made in his report. He feels this as a permissible project.

DEP would like to remand it back to the GCC.

Mr. Poole would like assurances that the project will go forward.

The Agent states that the public hearing process will continue and to just re-open the hearing process. She agrees with Dr. Rosen regarding the regulations and permitting the project but she does not know re: the local. Mr. Seecamp notes that Dr. Rosen did not note the local regulations. in his report.

Mr. Seecamp notes that several plans were under discussion and notes a plan dated\_01-12-07 which is the latest revised plan.

The Agent notes Dr. Rosen's report and an email was sent to each member of the GCC re: reasoning. Mr. Poole should go through all the reasons.

Mr. Seecamp notes an issue re: Mr. Poole picking up the cost of the 3<sup>rd</sup> party review, unless it is to be denied. He would like a decision to be made.

The Agent would like everyone to understand that just re-opening this is not an approval.

Mr. Seecamp made submissions to the Superior Ct. as well as DEP which are in process.

Mr. Gulla notes Mr. Rosen being an expert and also that first and foremost the GCC swears to uphold the WL Protection Act. The GCC cannot be in a position to say it will be allowed as we cannot guarantee that will happen and notes that it makes him a bit uncomfortable.

He states that personally he would like to work and get the most environmental protection rather than it be overturned.

The Agent notes that the WL Protection Act does not give much guidance regarding local regulations. It is not a matter of yes or no but does this meet all the requirements under the WL Protection Act. She feels the project will probably be heavily conditioned.

This could result in little to no use of the yard as it is in land subject to flooding. She states that she would never support anything that removes natural vegetation. It was noted that based on the findings from Dr. Rosen and Ms. Ryder, Agent for the GCC it was discussed that this could be workable but with heavy conditions. Mr. Poole states that he has agreed to pay the 3<sup>rd</sup> party if the GCC is going to approve the project. He notes that this has been approved by DEP at a prior date. The Agent notes that no one is going to guarantee the project as no construction sequence or details have been filed to date so it cannot be acted upon until that information is submitted and reviewed by the GCC. Mr. Gulla notes that the above submissions have to be implemented into the plan before the GCC can approve it or not. Mr. Seecamp notes that the narrative would be fairly simple and not very costly. Mr. Poole stated that he has no problem paying Mr. Seecamp for his services but he is not going to pay a 3<sup>rd</sup> party review w/o having approval of the GCC for the project. Mr. Gulla notes that it seems like extortion not to pay unless you will have approval. The Agent notes the WL Prot. Act and states that under state law Mr. Poole would pay for it, "you agreed then you backed out". Mr. Poole states that he has never backed out of anything in his life. Mr. Gulla attempts to explain the 3<sup>rd</sup> party review and the paying for it. The Agent notes an email regarding 3<sup>rd</sup> party review from \*\*\*\*\*. Mr. Gulla states that he would like Mr. Poole to pay the bill and at that time the GCC will be able to review and act upon it accordingly. 7:23 PM – Mr. Febiger arrives and takes his seat with the other members of the GCC. Mr. Gulla further states that the GCC cannot afford to pay for the 3<sup>rd</sup> party review to be hired and then have the applicant back out. This jeopardizes the GCC from any decision making regarding the project. The Agent notes that the plan should be continued to 01/09/08 at a formal meeting to determine if the applicant is going to pay for the 3<sup>rd</sup> party review or not. The matter is continued to 01/09/08.

### **CEDARWOOD RD. – CITY OF GLOUCESTER**

NoI The Agent notes that Mike Hale has submitted an NoI from the last meeting. To update Mike submitted plans re: stabilization and sequence. DEP has no concerns. The GCC has the option to approve it w/o having Mr. Hale's info. in hand as she did not have time to read it and neither has the GCC. Mr. Gulla states he will entertain a motion. MOTION: Mr. Feener moves to approve the letter from Mike Hale re: stabilization SECOND: Mr. Frontiero VOTE: 5-0 all in favor. The Agent recommends that an environmental monitor be present on site to stop and/or correct any issues if needed.

### **3 THURSTON LANE**

The Agent states that nothing new has been submitted. Mr. Manuell notes the City Engineer and information needed that will allow them to address these issues shortly. Mr. Gulla states he will entertain a motion. MOTION: Mr. Febiger moves to continue the matter to 01/09/08 7:05 PM SECOND: Ms. Jackson VOTE: 5-0 all in favor.

#### **14 RIVERSIDE ROAD**

Mr. William Manuell rep. the applicant states that he has nothing new to say at this time. He reviewed the information that was submitted and the revised work protocol.

The Agent notes a submission on 12/12/07 with revised line and an increase in mitigation. The mitigation is only for 2 decks not for the addition. She is not adverse to conditioning in the number for mitigation.

Mr. Gulla states he will entertain a motion to approve with aforesaid conditions clarifying 2 to 1 and that it be noted on the plan.

MOTION: Ms. Jackson

SECOND: Mr. Feener

VOTE: 5-0 all in favor.

**PUBLIC COMMENT PERIOD**: none/closed.

#### **473 WASHINGTON STREET**

Sarah –Deacon Krasowki to install a private pier, seasonal gangway and float on Mill River.

Mr. William Manuell rep. the applicant notes a perm. pier and seasonal float adjacent to the site, with an OoC done for a similar project as well. He notes the float being on the property for many years.

He notes that they now have an elevated pier and standoffs which was redesigned to bring it up to protocol and feels this is a significant improvement. He notes the raising of the float and securing it to the existing stones and ramp fixed to the pier. This would eliminate 2 mooring chains.

A letter dated 11/29/07 submitted by Dave Sargent was reviewed.

DEP file number noted with no comments.

The Agent reads the comments and recommendations submitted by Dave Sargent as well as comments by Tay Evans, DMF. Conditions were noted.

The Agent notes oversight and signoff by Dave and Tay should be listed as a condition.

Mr. Gulla states he will entertain a motion to approve.

MOTION: Mr. Febiger moves to approve.

SECOND: Ms. Jackson

VOTE: 5-0 all in favor.

#### **71,73,79 CONCORD STREET (DeMoulas)**

(Map 234, Lots 38, 39, 42)

Retail Management and Development Inc. to construct a commercial building with associated site work, utilities, parking and replication area.

Allisha Radditz, Seecamp Environmental addressed the GCC and presented to them a Power Point presentation regarding the plan. She also passed out to all GCC members a print out to follow along with the presentation.

She notes that further details are noted in a memo.

She states that the PP Presentation focuses on Performance Standards and refers to the memo being more detailed than the presentation this evening.

Mr. Gulla notes this as a complex project and a site visit is in order.

The Compliance analysis regarding the inland bank was discussed.

A question of how degraded the area is was asked and it was noted that DEP commented

re: armoring and they are not happy with armoring the slopes. An email was sent from DEP. The Agent notes that if armoring of the bank does not occur will the same Wildlife Habitat exist ? She further notes that comments should be in writing for the file.

Ms. Raddatz states that they pushed the development as far away from the riverfront as possible.

Mr. Febiger inquired as to the ground water and how they plan on accessing it.

Ms. Raddatz discussed this with the GCC in relation to the bank.

The Agent states that a 3<sup>rd</sup> party review is in order in relation to the storm water.

She notes that both Greg and the Planning stated that they have held back on the planning.

The GCC cannot go further with this because of the SW review.

It was noted that they OK that portion of the plan or subcontract it out.

PUBLIC COMMENT:

Mr. Steven Goldin 14 Hodgkins Street Gloucester, MA read comments from a document in re: The Agent and Dave Sargent. He further noted sewer controls and the sewer extension and feels that this is being ignored and that DeMoulas is ignoring the sewer issues.

He feels this is an environmental disaster. He has started to legally investigate the angles re: the sewer lines and an appeal.

The Agent states that no one and no factors are being ignored and that this hasn't entered into the conversation re: the plan at this time.

PUBLIC COMMENT: Closed.

Mr. Gulla noted the site visit and stated it may be difficult with snow on the ground.

Mr. Seecamp stated that if the snow subsides they would be available for a site visit.

The Agent notes that in re: a continuance, she would like Seecamp Environmental to be present and feedback is necessary before the continuance date and stated that they need to let her know if this is going forward on the continued date by 01/09/08 or is it to be rescheduled.

Mr. Gulla states he will entertain a motion to continue.

MOTION: Ms. Jackson moves to continue the matter to 01/16/08 7:30 PM allowing for 30 minutes.

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor

**12 SHORE ROAD** (Map 167, Lot 21)

This is a request for determination submitted by Paul Cohen to restore a salt water pool and steps.

Ron Tiberi, rep. the applicant.

The plan was reviewed by the GCC.

Mr. Tiberi states that they want to repair the pool and the stairway and inquired as to comments the GCC may have. He states that most of the work will be done manually and that it will be quite labor intensive with no mechanical machinery or trucks used. They want to reclaim the concrete and bring back the pool. No chemicals will be used for the pool and a sluice gate will be utilized.

The Agent notes that more details are needed re: the construction site. A narrative is in order to provide more details. The Agent notes she was at the site and has no concerns or issues regarding any impact.

Non-toxic epoxy was noted and that only 2 companies in the USA use it and one of them is in Massachusetts.

Mr. Gulla noted his concern re: toxic and non-toxic in regards to a breach while the epoxy is curing. He inquired as to any MSDS sheets with Mr. Tiberi stating he can acquire that.

Mr. Frontiero noted a concern re: possible pressure testing re: lateral pressure.  
Mr. Tiberi noted the chipping of layers to be able to find an area to affix the epoxy.

PUBLIC COMMENT: none/closed.

Mr. Gulla noted that he didn't see any details re: the repair of the stairs.

Mr. Tiberi stated that it is straight concrete.

It was noted that a concern is the tidal water coming up.

Mr. Tiberi stated that they want to form and repair the stairs as well as install new rails.

He further stated that they are working within the existing footprint.

Mr. Gulla states he will entertain a motion for a negative determination.

MOTION: Ms. Jackson moves for a neg. determination (-3, 2A, +5).

SECOND: Mr. Frontiero

The Agent notes the following as conditions:

Work to be done manually with hydraulics for hoses.

No machinery on site. No chemicals used to treat the water in any resource area.

No heat system. A detailed construction narrative to be submitted.

A pressure test of the dowels to be done.

A narrative regarding work to be done.

Stay within the footprint re: the repair of the existing stairs.

Something around the machinery as well as a secondary containment spill response kit on site.

VOTE: 5-0 all in favor

### **320 CONCORD STREET** (Map 240, Lot 34)

Request for determination submitted by Stacey Fisher to renovate a dwelling and construct an addition.

Stacey Fisher present and addressing the GCC states that she wants to construct an addition and notes Walker Creek with it being part of ACEC and the back of the property, BVW.

She notes this within 300 ft of the buffer zone in the ACEC.

Photos were submitted at this time.

She states there are no zoning issues and construction will be within the zoning regulations.

She wants to comply with the WL ordinances. An alternatives analysis has been submitted which shows the sense of where the proposed addition is to be located. She notes this as an oddly shaped lot. The addition will be 16 X 28 ft.

She notes the vegetation restoration and mitigation outline and states that she has also researched WL plants. She states that both her and the Agent agreed on a location that would be toward the WL with plenty of room to do so. A project sequence was submitted.

The Agent notes that this was the most complete filing that has come into the office with Mr. Gulla stating that this was a well done filing.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion for a negative determination (+2A, +5, -1)

MOTION: Ms. Jackson moves for a negative determination.

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

### **122 HESPERUS AVENUE** (Map 167, Lots 13 & 14)

Request for determination submitted by Justin Belliveau, Windover Properties for confirmation of a wetland delineation and septic system replacement.

Mr. Curt Young rep. the applicant reviews the plan with the GCC.

He notes the existing septic, the leeching system and the coastal bank noting the flood zone elevation at 25. He further noted the isolated Wetland area.

The Agent inquired as to a vernal pool on the site. Some ponding was noted with no evidence of casings, snails or clams.

Mr. Gulla notes that this is not a location for a home to be placed.

The Agent notes a condition stating that if any work occurs within a 100 ft. BVW needs to be verified. Land subject to flooding information is needed.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion for negative determination (+2A, +5, -3).

MOTION: Ms. Jackson moves for a neg. determination.

SECOND: Mr. Feener      VOTE: 5-0 all in favor.

#### **14 CLIFF AVENUE** (Map 167, Lots 13 & 14)

Notice of Intent, submitted by Windover Prop. LLC to demolish and re-build a multi-family facility with associated infrastructure and utilities.

Kurt Young rep. the applicant reviews the plan with the GCC noting this project as being 89,000 sq. ft. and the existing facility is not in use and has been vacant for approx. 1 to 2 years. He notes a 12 unit condominium facility with a sewer treatment facility that is not functioning and is to be taken out and replaced with a new one. There is proposed upper and lower level parking along with additional parking elsewhere on the site.

He notes 24 parking spaces along with 9 parking spaces outside.

The parking area drains and when it is  $\frac{3}{4}$  full an alarm is set and in place to go off at that time. He further notes a trench drain to the water inlet to a 4 bay and detention pond.

He discussed further areas on the plan with the GCC.

Mr. Gulla inquired as to a landscape plan and Mr. Young stated that he is going to the Planning Board and that the information is not submitted to the GCC for filing as of yet.

The Agent notes that the majority of the project is outside of the GCC's jurisdiction and that she is waiting for comments from the Eng. Dept. She further notes the criteria re: SW management, (quality and design) which has been met. DEP Title 5 approval of the system.

The Agent further noted a submission to be made re: the existing septic that drains into the ocean.

The applicant stated that it is all permitted but he would be happy to provide that information to the Agent and the GCC.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion to approve the NoI with aforesaid conditions.

EPA permit and Title 5 to be submitted. Conservation restriction re: the coastal bank.

Engineering permits to be submitted before the start of work.

DEP has no comments.

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Feener      VOTE: 5-0

At this time a 5 minute recess was requested.

MOTION: Mr. Feener moves to recess.

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

Meeting resumes.

**15 WATERSIDE LANE** ( Map 201, Lots 104, 119, 121, 122)

Request for determination submitted by East Gloucester Marine to clear brush, remove select trees and construct a roadway.

John Dick, Hancock Assoc. for Steve Pardee notes that a site visit is scheduled for 01/02/08 at 1PM, further noting that the Agent has previously been on site.

The driveway is to be done to mark the location of a potential house for sale. They are looking to put in a gravel driveway. He notes 2 locations in re: coastal bank and further notes a WL area. He notes resource areas clipping the driveway and BVW is across the road. The Agent notes that the final map was not submitted in time.

Mr. Feener states that the plan lists unknown species and they need to know what they are.

Mr. Dick states that the center line of the driveway is staked.

Mr. Feener notes that beech trees have sensitive roots.

The Agent requests that the applicant mark the trees with ribbons.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion to continue the matter.

MOTION: Mr. Febiger moves to continue the matter to 01/09/08 7:30 PM

SECOND: Ms. Jackson      VOTE: 5-0 all in favor.

**39 WINGAERSHEEK ROAD** ( Map 258, Lot 16)

Notice of Intent submitted by James and Anne Ward to re-construct a deck, renovate a dwelling, replace utilities and replace the septic system.

John Judd, Gateway Consulting present for the applicant notes the plan pointing out the fresh water ACEC buffer zone. He notes the coastal dune as a dark solid line on the plan. He further notes that the existing structure is to be remodeled removing and replacing the 2<sup>nd</sup> story deck. The replacement of the septic system has been approved by the Board of Health. Erosion controls are in place and photos were submitted.

The Agent notes re: DEP review that the building needs to be put on pilings and that Mr. Judd should contact DEP to clarify, if you are not touching the foundation.

Mr. Judd received a letter dated 12/14/07 from the Dept. of Fisheries and Wildlife and suggests maybe an email from the Agent to DEP to possibly expedite the information needed and requested.

PUBLIC COMMENT: none/closed

Mr. Gulla states he will entertain a motion to approve with conditions, noting DEP clarification to which the Agent will email DEP for further information.

MOTION: Ms. Jackson moves to approve pending further information.

SECOND: Mr. Feener      VOTE: 5-0 all in favor.

The Agent notes that if DEP does have an issue the plan must come back for further review before the GCC.

**21 FENLEY ROAD** (Map 242, Lot 23)

Request for Determination submitted by Frances Pocknett to replace a septic system.

John Judd, Gateway Consulting rep. the applicant notes the plan stating the applicant would like to replace the septic system. Photos submitted. He notes this has been approved by the Board of Health. He further notes that the WL is offsite. The existing tank and septic system will be removed.

The Agent states that the WL delineation has been approved through the other project.

She notes a tree on the plan with Mr. Judd stating that the root structure is substantial and further notes the tree that will remain. He notes the site as being very wet with ground water at the surface.

Mr. Frontiero inquires as to test pits on the plan with Mr. Judd pointing out the locations. He further notes the plan pointing out the area which will be mulched with loam and seeded in the spring.

**PUBLIC COMMENT:**

Mr. Manny Silva 9 Fenley Road inquires as to the raised septic system design forcing water onto his property. He asks where the water is going to go that is being created with the new proposed system. He notes that in the spring there will be flooding and where is that water to collect and go.

Mr. Judd explains that the soil is good but the problem is the ground water table, noting that the gravel was stripped out. That is not done now due to strict restrictions.

Mr. Judd notes the gentle slope over 85 ft, with no impervious being added and no increase in runoff.

The Agent notes that keeping the culvert maintained is key and further notes Title 5 through the Board of Health.

Mr. Gulla states he will entertain a motion for negative determination.

**MOTION:** Ms. Jackson moves for negative determination (+2b, +5, -3)

**SECOND:** Mr. Febiger **VOTE:** 5-0 all favor.

**82 HESPERUS AVENUE** (Map 192, Lot 14)

Request for Determination submitted by Barbara Bourbon to replace a septic system.

John Judd, Gateway Consulting notes the plan and discusses the preliminary review with the Board of Health and the Conservation Agent. This was approved by the Board of Health.

They are looking to install 2 tanks. He notes silt fencing as well.

The Agent inquires as to the applicant pulling up the septic nearer to the tanks. She further notes this as a Title 5 replacement.

**PUBLIC COMMENT:** none/closed

Mr. Gulla states he will entertain a motion for negative determination.

**MOTION:** Mr. Febiger moves for a neg. det. (+2B, +5, -3)

**SECOND:** Mr. Jackson **VOTE:** 5-0 all in favor.

**LOT 1, KEYSTONE ROAD** (Map 237, Lots 112 and 113)

Request for Determination submitted by Mark Hubbard to construct a driveway and install underground utilities.

Mr. Gulla recuses himself and leaves the meeting for the duration of the discussion of this plan. Ms. Ann Jo Jackson will be Chairperson.

Lots 1 and 4 are on the agenda and the Agent would like to do an overall look at the cumulative site. Mark Hubbard present and before the GCC.

Lot 1 is 13,000 sq. ft. with WL across the street. They are coming in with an RDA for the driveway. The driveway needs to be constructed in the buffer zone. The plan was noted and it was stated re: the trap rock apron being 5 ft. wide where there is potential for erosion.

Four to five trees are to be removed and the locations were noted on the plan with the applicant agreeing to replace them.

The Agent notes that the project meets all criteria for work in the buffer zone.



There is significant habitat but not a certified vernal pool but urged the applicant to leave as much of the land with some type of notification to potential buyers in regards to keeping the vegetation.

Mr. Febiger inquires as to the driveway noting crowning the driveway and water area along the side.

Mr. Judd explained the drainage to the GCC.

Mr. Frontiero inquired as to the trap rock being permanent and Mr. Judd stated yes, but to be covered over when the driveway is complete.

Ms. Jackson inquired as to what type of trees are to be removed, noting a lot of pine and a few oaks. Mr. Judd stated that similar trees for replacement.

**PUBLIC COMMENT:**

Ms. Cheryl Olson –abutter – 591 Essex Ave. states that her property would be surrounded by this driveway plan. She notes pure bedrock from where the driveway/roadway is proposed and that the runoff comes right down. They will have to blast through 6 ft. of bedrock.

She notes Lady Slippers, Trillions and spotted salamanders in that particular area. She states that they have proposed 4 driveways and asks why it can't just be 1 driveway as another alternative for the driveway plan. She notes this being 2 ft within her property line.

She requests that the GCC perform a site visit.

Mr. Judd states that he will not be going down 6 ft and notes that the alternate route is actually steeper. He notes the carriage road is very steep. Mr. Judd states that the closest point to Ms. Olsen's property is approx. 15 ft.

Ms. Jackson inquires as to the drainage to the south at Ms. Olsen's property line and further inquires as to blasting. Mr. Hubbard stated, no blasting.

Ms. Olsen addresses the GCC and points out her concerns on the plan.

Mr. Judd states that a 12 inch berm can be created to affectively assure water staying on the property itself.

Ms. Jackson inquired as to the lady slippers and trillium with Ms. Olsen pointing out the areas where the above noted vegetation is located.

Mr. Hubbard states that he has no intention to bring the driveway up to Lot 2.

Ms. Jackson noted concerns re: the habitat in the area, plowing, road widening and a no disturb zone re: habitat.

Mr. Febiger also inquired as to blasting and the Agent states that there is no jurisdiction re: blasting, but no blasting allowed in the buffer zone. The Agent further noted that trees are to be tabulated and documented for Mr. Feener to review.

Mr. Febiger asked if the berm could be shown on the plan and Mr. Judd stated that he would surely show it to the Agent.

The Agent states that she walked the site three or four times prior to the filing in re: the cumulative impact of the placement of the driveway.

Ms. Jackson states she will entertain a motion for negative determination (+2A, +5, -3).

**MOTION:** Mr. Feener moves for a negative determination

**SECOND:** Mr. Frontiero

Mr. Febiger asks why it is a negative determination with the Agent stating that it meets the buffer zone criteria. Mr. Febiger states that he is a little uncomfortable with it and thinks that the scale of the project may have warranted a Notice of Intent.

**VOTE:** 4-0 all in favor (with Mr. Gulla having recused himself upon the start of the discussion)

**LOT 4 KEYSTONE ROAD** (Map 237, Lots 112 and 113)

Request for Determination submitted by Mark Hubbard to construct a driveway and install underground utilities.

Mr. John Judd rep. the applicant addresses the GCC and states that this is the last lot on the right. He further reviews the plan with the GCC. Eight to ten trees in the buffer zone may be impacted and further notes that the applicant is willing to buy new additional trees.

Ms. Jackson asks if the applicant would be buying the same type of trees.

The Agent then states that there is likely to be a significant habitat and that as much of the property as possible should be preserved with notification of this being a special place.

Ms. Jackson notes a retaining wall, possibly of fieldstone. Mr. Judd states that grading can impact the trees with Mr. Hubbard noting no objection to the wall.

Ms. Jackson further noted limiting the use of pesticides, herbicides, etc.

PUBLIC COMMENT: none/closed.

Conditions noted:

Plowing away from the Wetland, educational outreach, no blasting, south side \*\*\*\*\*, retaining wall in place, erosion controls closer to the work area and no disturbance zone in re: the buffer zone.

Ms. Jackson states she will entertain a motion for negative determination, (+2A, +5, -3)

MOTION: Mr. Feener moves for a negative determination

SECOND: Mr. Febiger      VOTE: 4-0 all in favor.

**31 NORSEMAN AVENUE** (Map 144, Lot 29)

Notice of intent submitted by Leonard Chardo for excavation and road work in the buffer to the coastal bank, fill in a coastal bank and landscaping. (after the fact filing)

Present: Len Chardo, Len Chardo Jr. and Bill \*\*\*\*\*

All members of the GCC reviewed the plan.

Bill addressed the GCC explaining what Mr. Chardo did in relation to vehicles using the area as a turnaround and states that at that time Mr. Chardo did not know of any requirements to do so. He states that the Notice of Intent was prepared as a result of a notification from the Conservation Agent.

The Agent states that the applicant was previously aware of issues such as the fill, the neighbors concerns and the vegetative plantings.

Mr. Chardo states that the landscape plan was approved but has since expired.

Bill states that the area that is covered by fill is approx. 259 sq. ft.

Mr. Chardo states that he went to the Engineering Dept. for a drawing and feels that he actually has stabilized the area.

The Agent states that one does not go to the Engineering Dept. for a delineation and that it is not appropriate to get a permit from Engineering.

She recommends that the fill be removed and the area returned to its natural state.

Mr. Chardo states that he did not change the contour of the land at all by using fill and only about 4 yards of fill was used.

Mr. Frontiero explains to the applicant the importance of coming before the GCC regarding such issues before the fact and not after the fact. He notes the neighbors property in relation to what Mr. Chardo did on his property and Mr. Chardo states that he did not do any work in the neighbors property. He notes another neighbor not using the road so he didn't maintain it. He states he did not go onto any neighbors' property. He notes that the road is now approx. 12 to 13 ft. wide.

The Agent states that the work could have been permitted with an agreement from the neighbors. She states that the bigger issue is the excavation work and leaving the area unstable. A permit is needed from other landowners. Stabilizing that area is essential. Mr. Chardo states that he scraped the surface of the road.

The Agent states that it was left unstable with Mr. Chardo stating that it was just piles of dirt. The Agent suggests permission from all owners with the GCC not being able to override that. She further recommends some type of stabilization for the lawn and suggested possibly a short stone wall but that would need to be discussed with the other property owners.

Ms. Jackson notes the need for stabilization, restoration and plantings.

The Agent states that there is nothing to hold any plantings in relation to soil.

Bill notes #3 on the plan stating soils are excessively drained and that roots in the soil would help with stabilization. He notes that Mr. Chardo lives on the property and has not seen any erosion for the past 2 years.

The Agent notes the plan re: a stone wall and tree plantings.

Ms. Jackson inquired as to steps and Mr. Chardo stated yes with Mr. Febiger noting that it does not say they are proposed.

Ms. Jackson notes that it does state a proposed new stone wall made of granite approx. 3 ft high, natural looking with construction detailed noted.

#### PUBLIC COMMENT:

Mr. Ron Fleet states he has been a resident of 37 Norseman Ave for over 30 years.

He conveys to the GCC the errors he feels were made by Mr. Chardo noting 3 boulders.

He states that if the wall is built it will be into the dune and feels that Mr. Chardo should submit a new plan.

Mr. Chardo states that the wall depicted on the plan will not go into the private way.

Mr. Fleet states that he and Mr. Chardo have gone back and forth regarding the lot line and he does not trust Mr. Chardo stating we need to see if the stakes remain or not.

Ms. Jackson states that is the purpose for surveying land with the Agent in agreement stating that a survey with a document stamp would help.

The GCC agreed that more information re: a survey of the land and further discussion of the plan is needed regarding the stone wall and remedies to correct what has been done to date.

A construction sequence was requested as well.

Ms. Jackson states she will entertain a motion to continue the matter to 01/16/08 8PM

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero      VOTE: 4-0 all in favor

#### AGENTS REPORT ON VIOLATIONS

##### 46 LEVERETT STREET

The Agent reports that work was done in excess of what was permitted. Nothing has been filed and the property owner is asking for a 2 week extension to make things right. The owner is to meet with the Conservation Agent in her office.

##### 4 HIGH ROCK TERRACE

The Agent reviews with the GCC stating this is in regards to a walkway that was constructed in the dunes with alteration of the dunes. No permits were requested or filed. They asked for a Notice of Intent which was not filed. The property owners explained what it was they did on the property. The Agent states that they need to file a Notice of Intent and proof that the boardwalk was pre-existing. Historical pictures are needed in relation to what was done and other structures.

Ms. Jackson states that you cannot change the dune. It was noted that some residents in the area have seasonal walkways that are taken up when not in season. If the applicant cannot provide historical evidence that the deck was pre-existing then the owners will have to file a Notice of Intent.

The Agent states that the property owners should come into her office and speak to Leslie who will be able to assist them in filing the NoI. A date of 02/06/08 was noted.

### **LETTER PERMITS**

15 Horton Street - denied.

132 Coles Island – denied.

Ms. Jackson states she will entertain a motion to adjourn.

MOTION: Mr. Feener

SECOND: Mr. Frontiero

VOTE: 4-0 all in favor.

Respectfully submitted,

Carol A. Gray  
Recording Clerk